

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		<b>Agency No.</b>		<b>Rule No.</b>		<b>Section No.</b>
<b>Utah Admin. Code Ref (R no.):</b>	<b>R</b>	156	-	55c	-	
<b>Changed to Admin. Code Ref. (R no.):</b>	<b>R</b>		-		-	

<b>1.</b>	<b>Agency:</b>	Commerce/Division of Occupational and Professional Licensing		
	<b>Room no.:</b>			
	<b>Building:</b>	Heber M. Wells Building		
	<b>Street address 1:</b>	160 East 300 South		
	<b>Street address 2:</b>			
	<b>City, state, zip:</b>	Salt Lake City UT 84111-2316		
	<b>Mailing address 1:</b>	PO Box 146741		
	<b>Mailing address 2:</b>			
	<b>City, state, zip:</b>	Salt Lake City UT 84114-6741		
	<b>Contact person(s):</b>			
	<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
	Steve Duncombe	801-530-6235	801-530-6511	sduncombe@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

<b>2.</b>	<b>Title of rule or section (catchline):</b>
	Plumber Licensing Act Rule
<b>3.</b>	<b>Type of notice:</b>
	New ____; Amendment XXX; Repeal ____; Repeal and Reenact ____
<b>4.</b>	<b>Purpose of the rule or reason for the change:</b>
	The Division and Plumbers Licensing Board reviewed this rule and determined the following changes need to be made. Minor technical numbering changes are made to update the rule. Additionally, the proposed amendments incorporate the applicable administrative penalties for unlawful and unprofessional conduct and provide clarification relating to the supervision and conduct of the licensee.
<b>5.</b>	<b>This change is a response to comments from the Administrative Rules Review Committee.</b>
	No XXX; Yes ____
<b>6.</b>	<b>Summary of the rule or change:</b>

	<p>Section 102: The term "Board" is deleted in this rule as it is defined in Subsection 58-55-102(7). Additionally, the term "Plumber" is deleted as the various licensing classifications of plumber are defined through Section 58-55-102. Section 302a: This section is deleted in its entirety as the application for licensure requirements are provided in Section 58-55-302. Section 302b: This section is renumbered to Section 302a. Section 302c: This section is renumbered to Section 302b. Also in paragraph (4) the term "on or after December 31, 2010" is deleted as this reference is no longer applicable and deletes paragraph (4)(b) as this date and information are no longer relevant. Section 302d: This section is renumbered to Section 302c. Section 303b is renumbered to Section 304. Section 304 is renumbered to Section 305. Additionally in new section 305 new wording adopts and incorporates the requirements for licensure by endorsement as provided in Section 58-1-302 and unnecessary language is deleted. Section 401 is added to incorporate, define and clarify the conduct of the apprentice plumber and supervising plumber as it relates to Subsection 58-55-302(3)(e). Section 501 is amended to remove unnecessary language and encapsulate the supervision requirements currently found in Subsection 58-55-302(3)(e). Additionally, this section includes as unprofessional conduct, failing to provide proof of completing continuing education within 30 days of the Division's request. Section 502 is added to adopt the applicable administrative penalties as defined in Section R156-55a-503 of the Utah Construction Trades Licensing Act Rule. Additionally, administrative penalties for a violation of Subsection 58-1-501(2)(o) are added. Section 601 is deleted in its entirety as the provisions of the section are addressed as unprofessional conduct in Subsection R156-55c-501(2).</p>					
7.	<p><b>Aggregate anticipated cost or savings to:</b></p> <p><b>A) State budget:</b></p> <p><b>Affected:</b> No ____; Yes XXX</p> <p>The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p> <p><b>B) Local government:</b></p> <p><b>Affected:</b> No XXXX; Yes ____</p> <p>The proposed amendments only apply to licensed plumbers and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.</p> <p><b>C) Small businesses ("small business" means a business employing fewer than 50 persons):</b></p> <p><b>Affected:</b> No XXX; Yes ____</p> <p>The proposed amendments only apply to licensed plumbers and applicants for licensure in those classifications. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.</p> <p><b>D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</b></p> <p><b>Affected:</b> No XXX; Yes ____</p> <p>The proposed amendments only apply to licensed plumbers and applicants for licensure in those classifications. The Division anticipates that these proposed amendments will not result in additional encumbrances for any party beyond what is currently identified by statute and rule.</p>					
8.	<p><b>Compliance costs for affected persons:</b></p> <p>The proposed amendments only apply to licensed plumbers and applicants for licensure in those classifications. The Division anticipates that these proposed amendments will not result in any additional encumbrances for any party beyond what is currently identified by statute and rule.</p>					
9.	<p><b>A) Comments by the department head on the fiscal impact the rule may have on businesses:</b></p> <p>This filing removes outdated provisions, makes minor changes in numbering, and clarifies existing provisions regarding unprofessional conduct and the associated penalties. The substantive provisions that are modified by this filing affect individual licensees only. Therefore, no fiscal impact to businesses is anticipated.</p> <p><b>B) Name and title of department head commenting on the fiscal impacts:</b></p> <p>Francine A. Giani, Executive Director</p>					
10.	<p><b>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</b></p> <p><b>State code or constitution citations (required)</b> (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :</p> <table border="1"> <tr> <td>Subsection 58-1-106(1)(a)</td><td>Subsection 58-1-202(1)(a)</td></tr> <tr> <td>Section 58-55-101</td><td></td></tr> </table>		Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101	
Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)					
Section 58-55-101						

11.	<b>This rule adds, updates, or removes the following title of materials incorporated by references</b> (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i> ):	
	<b>First Incorporation</b>	<b>Second Incorporation</b>
	<b>Official Title of Materials Incorporated (from title page)</b>	
	<b>Publisher</b>	
	<b>Date Issued</b>	
	<b>Issue, or version</b>	
	<b>ISBN Number (optional)</b>	
	<b>ISSN Number (optional)</b>	
	<b>Cost of Incorporated Reference</b>	
	<b>Action: Adds, updates, or removes</b>	
(If this rule incorporates more than two items by reference, please attach additional pages)		
12.	<b>The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
	<b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b>	10/01/2014
	<b>B) A public hearing (optional) will be held:</b>	
	<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>
	09/24/2014	9:00 AM
		<b>At (place):</b>
		160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah
13.	<b>This rule change may become effective on (mm/dd/yyyy):</b> 10/08/2014 NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	
14.	<b>Indexing information -- keywords</b> (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid"); may not include the name of the agency:	
	occupational licensing	licensing
	plumbers	plumbing
15.	<b>Attach an RTF document containing the text of this rule change (filename):</b> R156-55c.pro	
<b>To the agency:</b> Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.		
<b>AGENCY AUTHORIZATION</b>		
<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date (mm/dd/yyyy):</b> 08/04/2014

**R156. Commerce, Occupational and Professional Licensing.**

**R156-55c. Plumber Licensing Act Rule.**

**R156-55c-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 55, as used in Title 58, Chapters 1 and 55 or this rule:

(1) ~~["Board" means the Plumbers Licensing Board.~~  
~~—(2)—~~ "Immediate supervision", as used in Subsections 58-55-102(5) and 58-55-102(23) and this rule, means the apprentice and the supervising plumber are physically present on the same project or job site but are not required to be within sight of one another.

(~~[3]~~2) "Minor plumbing work that is incidental", as used in Subsection 58-55-305(1)(k)(i) and this rule, means:

(a) repair or replacement of the following residential type appliances:

- (i) dishwashers;
- (ii) refrigerators;
- (iii) freezers;
- (iv) ice makers;
- (v) stoves;
- (vi) ranges;
- (vii) clothes washers; and
- (viii) clothes dryers; and

(b) repair or replacement of other plumbing fixtures and appliances inside the occupied space of a structure, when the cost of the repair or replacement does not exceed \$300 in total value, including all labor and materials, and including all changes or additions to the contracted or agreed upon work.

(~~[4]~~3) "Minor plumbing work that is incidental", as used in Subsection 58-55-305(1)(k)(i), does not include installation or replacement of a water heater.[

~~—(5)— "Plumber" means apprentice plumber, journeyman plumber, residential journeyman plumber, master plumber and residential master plumber.]~~

(~~[6]~~4) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 55, is further defined in accordance with Subsection 58-1-203(1)(e), in Subsection R156-55c-501.[

**~~R156-55c-302a. Qualifications for Licensure — Application Requirements.~~**

~~—In accordance with Subsections 58-1-203(2) and 58-1-301(3), the application requirements for licensure in Section 58-55-302 are defined, clarified, or established as follows:~~

~~—(1) an applicant for licensure shall submit an application for license only after having met all requirements for licensure set forth in Section 58-55-302 and this rule; and~~

~~—(2) the application must be accompanied by all documents or other evidence required demonstrating the applicant is qualified for licensure.]~~

**R156-55c-302[b]a. Qualification for Licensure - Training and Instruction Requirement.**

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the training and instruction requirements for licensure in Subsection 58-55-302(3)(c) and (d) are defined, clarified, or established as follows:

(1) An applicant for a journeyman plumber's license shall demonstrate successful completion of the requirements of either paragraph (a) or (b):

(a)(i) 8,000 hours of training and instruction in not less than four years that meets the requirements of Subsections R156-55c-302b(4) and (6).

(ii) the 8,000 hours shall include 576 clock hours of related classroom instruction that meets the requirements of Subsection R156-55c-302b(5);

(iii) the apprenticeship shall be obtained while licensed as an apprentice plumber;

(iv) the apprenticeship shall include on the job training and instruction in nine of the 11 work process areas listed in Table I; and

(v) the hours obtained in any work process area shall be at least the number of hours listed in Table I.

(b)(i) 16,000 hours of on the job training and instruction in not less than eight years;

(ii) the apprenticeship shall be obtained while licensed as an apprentice plumber;

(iii) the hours shall include on the job training and instruction in nine of the 11 work process areas listed in Table I; and

(iv) the hours obtained in any work process shall be at least the number of hours listed in Table I.

TABLE I  
Training and Instruction

Work Process	Minimum Hours
A. Use of hand tools, equipment and pipe machinery	200
B. Installation of piping for waste, soil, sewer and vent lines	2,000
C. Installation of hot and cold water for domestic purposes	1,400
D. Installation and setting of plumbing appliances and fixtures	1,200
E. Maintenance and repair of plumbing	600

F. General pipe work including process and industrial hours	600
G. Gas piping or service piping	400
H. Welding, soldering and brazing as it applies to the trade	100
I. Service and maintenance of gas controls and equipment	100
J. Hydronics piping and equipment installation	300
K. Fire suppression system installation	100

(2) An applicant for a residential journeyman plumber's license shall demonstrate successful completion of the requirements of paragraph (a) or (b):

(a)(i) 6,000 hours of training and instruction in not less than three years that meets the requirements of Subsections R156-55c-302b(4) and (6).

(ii) the 6,000 hours shall include 432 clock hours of related classroom instruction that meets the requirements of Subsection R156-55c-302b(5);

(iii) the 6,000 hours shall be obtained while licensed as an apprentice plumber;

(iv) the apprenticeship shall include on the job training and instruction in eight of the ten work process areas listed in Table II; and

(v) the hours obtained in any work process area shall include at least the number of hours listed in Table II.

(b)(i) 12,000 hours of experience in not less than six years which has been documented using a form provided by the Division;

(ii) the experience shall be obtained while licensed as an apprentice plumber;

(iii) at least 9,000 hours of experience shall be directly involved in the plumbing trade;

(iv) the hours shall be in eight of the ten work process areas listed in Table II; and

(v) the hours obtained in any work process area shall include at least the number of hours listed in Table II.

TABLE II  
Training and Instruction

Minimum

Work Process	Hours
A. Use of hand tools, equipment and pipe machinery	100
B. Installation of piping for waste, soil, sewer and vent lines	1,600
C. Installation of hot and cold water for domestic purposes	1,200
D. Installation and setting of plumbing appliances and fixtures	800
E. Maintenance and repair of plumbing	600
F. Gas piping or service piping	400
G. Service and maintenance of gas controls and equipment	100
H. Welding, soldering and brazing as it applies to the trade	100
I. Hydronics piping and equipment installation	300
J. Fire suppression system installation	100

(3) A licensed residential journeyman plumber applying for a journeyman plumber's license shall complete 2,000 hours of on the job training in industrial or commercial plumbing while licensed as an apprentice plumber, which shall include successful completion of an approved fourth year course of classroom instruction.

(4) On the job training and instruction required in this section shall include measurements of an apprentice's performance in the plumbing trade.

(5) Formal classroom instruction required by this section shall meet the following requirements:

(a) instruction shall be conducted by an entity approved by the Utah Board of Regents, Utah College of Applied Technology Board of Trustees or by another similar out of state body that approves formal plumbing educational programs; and

(b) instruction shall be conducted by competent qualified staff and shall include measures of competency and achievement level of each apprentice.

(6) Apprentice plumbers shall engage in the plumbing trades only in accordance with the following:

(a) except as provided in Subsection 58-55-302(3)(e)(ii) for fourth through tenth year apprentices, while engaging in the plumbing trade, an apprentice plumber shall be under the immediate supervision of a journeyman plumber for commercial or industrial work, and by a residential journeyman or journeyman plumber for residential work;

(b) the apprentice shall engage in the plumbing trade in accordance with the instruction of the supervising plumber; and

(c) the apprentice shall work in a ratio of not to exceed two apprentice plumbers to one supervising plumber.

**R156-55c-302[e]b. Qualifications for Licensure - Examination Requirements.**

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirements for licensure in Subsection 58-55-302(1)(c)(i) are defined, clarified, or established as follows:

(1) The applicant shall obtain a score of 70% on the Utah Plumbers Licensing Examination that shall consist of a written section and practical section.

(2) Admission to the examinations is permitted after:

(a) the applicant has completed all requirements for licensure set forth in this section and in Sections R156-55c-302a and R156-55c-302b; or

(b) the applicant has completed:

(i) the apprentice education program set forth in Subsection R156-55c-302b(1)(a)(ii); and

(ii) not less than 6,000 hours of the experience required under Subsection R156-55c-302b(1)(a)(i).

(3) (a) If an applicant fails one or more sections of the examination, the applicant shall retake any section of the examination failed.

(b) An applicant shall wait at least 25 days for the first two retakes and thereafter shall wait 120 days between retakes.

(4) ~~[(a) On or after December 31, 2010, i]~~ If an applicant passes any section of the examination but does not pass the entire examination, the passing score on any section of the examination shall be valid for one year from the date the section of the examination was passed. Thereafter, the applicant shall retake any previously passed section of the examination that is no longer valid to support any subsequent application for licensure. [

~~—(b) Prior to December 31, 2010, if an applicant passed any section of the examination but did not pass the entire examination, the applicant may use any previously passed section of the examination to pass the entire examination until December 31, 2011. Thereafter, the applicant shall retake the entire examination.]~~

**R156-55c-302[d]c. Qualifications for Licensure - Master Supervisory**



## **Experience and Education Requirements.**

In accordance with Subsections 58-55-302(3)(a)(i)(A) and 58-55-302(3)(b)(i), the minimum supervisory experience qualifications for licensure as a master plumber and residential master plumber are established as follows:

(1) An applicant shall demonstrate successful completion of 4000 hours of supervisory experience that includes each of the following categories and minimum number of hours:

- (a) supervising employees: 700 hours;
- (b) supervising construction projects: 700 hours;
- (c) cost/price management: 300 hours; and
- (d) miscellaneous construction experience: 300 hours in any one or more of the following: accounting/financial principles, contract negotiations, conflict resolutions, marketing, human resources and government regulation pertaining to business and the construction trades.

(2) The following, or the substantial equivalent thereof, as determined by the Board in collaboration with the Commission, shall apply to the minimum supervisory experience qualifications established in Subsection (1):

(a) supervisory experience shall be obtained while licensed in the proper license classification as either a journeyman plumber or a residential journeyman plumber;

(b) supervisory experience shall be obtained as an employee of a licensed plumbing contractor, whose employer covers the applicant with workers compensation and unemployment insurances and deducts federal and state taxes from the applicant's compensation;

(c) all supervisory experience shall be under the immediate supervision of the applicant's employer; and

(d) no more than 2000 hours of experience may be earned during any 12-month period.

(3) An associate of applied science or similar or higher educational degree, in accordance with Subsection 58-55-302(3)(a)(i)(B), shall fulfill 2000 hours of the 4000 hour supervisory experience requirement. Such an applicant shall complete the remaining minimum 2000 hour supervisory experience listed above in Subsection R156-55c-302d(1).

(a) The degree shall be accredited by one of the following:

- (i) Middle States Association of Colleges and Schools;
- (ii) New England Association of Colleges and Schools;
- (iii) North Central Association of Colleges and Schools;
- (iv) Northwest Commission on Colleges and Universities;
- (v) Southern Association of Colleges and Schools; or
- (vi) Western Association of Schools and Colleges.

(b) The degree shall be in one of the following courses of study:

- (i) accounting;
- (ii) apprenticeship;
- (iii) business management;
- (iv) communications;

- (v) computer systems and computer information systems;
- (vi) construction management;
- (vii) engineering;
- (viii) environmental technology;
- (ix) finance;
- (x) human resources; or
- (xi) marketing.

**R156-55c-~~[303b]~~ 304. Continuing Education - Standards.**

(1) Required Hours. Pursuant to Sections 58-55-302.7 and 58-55-303, each licensee shall complete 12 hours of continuing education during each two year license term. A minimum of eight hours shall be core education. The remaining four hours may be professional education.

(2) "Core continuing education" is defined as education covering:

- (a) International Building, Mechanical, Plumbing Codes and Utah building code amendments as adopted or proposed for adoption;
  - (b) the Americans with Disability Act;
  - (c) medical gas, National Fire Protection Association 13D and 54;
- and
- (d) hydronics and waste water treatment.

(3) "Professional continuing education" is defined as education covering:

(a) energy conservation, management training, new technology, plan reading; and

(b) lien laws and Utah construction registry.

(4) Non-acceptable course subject matter includes the following types of courses and other similar courses:

(a) mechanical office and business skills, such as typing, speed reading, memory improvement and report writing;

(b) physical well-being or personal development, such as personal motivation, stress management, time management, or dress for success;

(c) presentations by a supplier or a supplier representative to promote a particular product or line of products; and

(d) meetings held in conjunction with the general business of the licensee or employer.

(5) The Division may:

(a) waive the continuing education requirements for a licensee that is an instructor of an approved education apprenticeship program; or

(b) waive or defer the continuing education requirements as provided in Section R156-1-308d.

(6) A continuing education course shall meet the following standards:

(a) Time. Each hour of continuing education course credit shall consist of at least 50 minutes of education in the form of seminars, lectures, conferences, training sessions or distance learning modules. The remaining ten minutes may be used for breaks.

(b) Provider. The course provider shall meet the requirements of

this section and shall be one of the following:

- (i) a recognized accredited college or university;
- (ii) a state or federal agency;
- (iii) a professional association or organization involved in the construction trades; or
- (iv) a commercial continuing education provider providing a program related to the plumbing trade.

(c) Content. The content of the course shall be relevant to the practice of the plumbing trade and consistent with the laws and rules of this state.

(d) Objectives. The learning objectives of the course shall be reasonably and clearly stated.

(e) Teaching Methods. The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.

(f) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training and experience.

(g) Distance learning. A course that is provided through internet or home study courses may be recognized for continuing education if the course verifies registration and participation in the course by means of a passing a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant.

(h) Documentation. The course provider shall have a competent method of registration of individuals who actually completed the course, shall maintain records of attendance that are available for review by the Division, and shall provide to individuals completing the course a certificate that contains the following information:

- (i) the date of the course;
- (ii) the name of the course provider;
- (iii) the name of the instructor;
- (iv) the course title;
- (v) the hours of continuing education credit;
- (vi) the attendee's name;
- (vii) the attendee's license number; and
- (viii) the signature of the course provider.

(7) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.

(8) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts and materials. The licensee shall retain this proof for a period of three years from the end of the renewal period for which the continuing education is due. Each licensee shall assure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in Subsection (11). Alternatively, the licensee may submit the course for approval and pay any course approval fees and attendance recording fees.

(9) Licensees who lecture in approved continuing education courses shall receive two hours of continuing education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.

(10) A course provider shall submit continuing education courses for approval to the continuing education registry and shall submit verification of attendance and completion on behalf of licensees attending and completing the program directly to the continuing education registry in the format required by the continuing education registry.

(11) The Division shall review continuing education courses which have been submitted through the continuing education registry and approve only those courses that meet the standards set forth under this section.

(12) Continuing Education Registry.

(a) The Division shall designate an entity to act as the Continuing Education Registry under this rule.

(b) The Continuing Education Registry, in consultation with the Division and the Commission, shall:

(i) through its internet site electronically receive applications from continuing education course providers and shall submit the application for course approval to the Division for review and approval of only those programs which meet the standards set forth under this section;

(ii) publish on its website listings of continuing education programs which have been approved by the Division, and which meet the standards for continuing education credit under this rule;

(iii) maintain accurate records of qualified continuing education approved;

(iv) maintain accurate records of verification of attendance and completion, by individual licensee, which the licensee may review for compliance with this rule; and

(v) make records of approved continuing education programs and attendance and completion available for audit by representatives of the Division.

(c) Fees. The Continuing Education Registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

#### **R156-55c-[304]305. Licensure by Endorsement.**

The Division may issue a license by endorsement in accordance with the provisions of Section 58-1-302. ~~[In accordance with the provisions of Section 58-1-302, the Division may issue an individual a license as an apprentice plumber, journeyman plumber, residential journeyman plumber, master plumber or residential master plumber by endorsement, in accordance with the following:~~

~~—(1) An applicant for licensure by endorsement as a journeyman plumber, residential journeyman plumber, master plumber or residential master plumber has the burden to demonstrate that the apprenticeship instruction and training, or experience requirements in lieu of an~~

~~apprenticeship, and the examination requirements of the state or jurisdiction in which the applicant holds licensure are equal to the requirement of this state or were equal to the requirements of this state at the time the applicant received licensure in the other state.~~

~~(2) An applicant for licensure as an apprentice plumber who has completed part of apprenticeship training and instruction in another jurisdiction has the burden to demonstrate that the apprenticeship program in the other state is equivalent to an approved apprenticeship program in this state as a condition of the applicant being given credit for completion of an apprenticeship program in another state.]~~

#### **R156-55c-401. Conduct of Apprentice and Supervising Plumber.**

(1) The conduct of licensed apprentice plumbers and their licensed supervisors shall be in accordance with Subsections 58-55-302(3)(e), 58-55-501, 58-55-502 and R156-55c-501.

(2) For the purposes of Subsections 58-55-302(3)(e) and 58-55-501(12), one of the following shall apply:

(a) the supervisor and apprentice employees shall be employees of the same plumbing contractor; or

(b) the plumbing contractor may contract with a licensed professional employer organization to employ such persons.

#### **R156-55c-501. Unprofessional Conduct.**

"Unprofessional conduct" includes:

~~[(1) engaging in the plumbing trade as an apprentice plumber on a commercial or industrial project when not under the immediate supervision of a journeyman plumber;~~

~~— (2) engaging in the plumbing trade as an apprentice plumber on a residential project when not under the immediate supervision of a residential journeyman or journeyman plumber, except as provided in Subsection 58-55-302(3)(e)(ii);~~

~~— (3) engaging in the plumbing trade as an apprentice plumber except in accordance with instructions of the supervising plumber;~~

~~— (4) acting as a journeyman plumber or residential journeyman plumber while supervising more than two apprentice plumbers;]~~

(1) failing to comply with the supervision requirements established by Subsection 58-55-302(3)(e);

([5]2) [failure]failing as a licensed plumber to carry a copy of his current plumber's license on his person or in close proximity to his person when performing plumbing work or to display that license upon request of a representative of the Division or any law enforcement officer; [-and]

([6]3) [failure]failing as a plumbing contractor to certify work experience and supervisory hours when requested by a plumber who is or has been an employee of the plumbing contractor; and

(4) failing as a licensee to provide proof of completed continuing education within 30 days of the Division's request.

**R156-55c-502. Administrative Penalties.**

(1) The administrative penalties defined in Section R156-55a-503 of the Utah Construction Trades Licensing Act Rule are hereby adopted as the administrative penalties under this rule.

(2) The administrative penalty for a violation of Subsection 58-1-501(2)(o) under this rule shall be in accordance with Section R156-1-502.

[

**~~R156-55c-601. Proof of Licensure.~~**

~~Each apprentice, residential journeyman, journeyman plumber, residential master plumber and master plumber shall:~~

~~(1) carry on his person or in close proximity to his person his current license when he is engaged in the plumbing trade; and~~

~~(2) display his license to a representative of the Division or any law enforcement officer upon request.]~~

**KEY: occupational licensing, licensing, plumbers, plumbing**

**Date of Enactment or Last Substantive Amendment: ~~[September 12, 2011]~~2014**

**Notice of Continuation: October 4, 2011**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101**